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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/807,793 | 03/24/2004 | Bruce Sanford Jones | NUKZ 2 00387 | 4245 |
| 27885 | 7590 | 10/13/2006 | EXAMINER | |
| FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114 | | | GOLDBERG, BRIAN J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2861 | |

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/807,793 | Applicant(s) JONES ET AL. | |
| | Examiner Brian Goldberg | Art Unit 2861 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-7 in the reply filed on 7/12/06 is acknowledged.

Claim Objections

2. Claims 1-7 are objected to because of the following informalities:
3. Regarding claim 1, in line 5 of the claim, "an image formed thereon form the transferable" is not proper. Appropriate correction is required.
4. Regarding claim 4, in line 3 of the claim "image form said input device" is not proper. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berghauser et al. (US 6186207) in view of Wixted et al. (US 20030141687).
7. Regarding claim 1, Berghauser et al. disclose "an output device (24 of Fig 2)..., said output device adapted to output a transfer sheet (17 of Fig 2) having an image formed thereon from the transferable marking substance (col 3 ln 26-32, ln 39-43); and, a transfer press (16 of Fig 2) ..., said transfer press having a heating element suitable

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for transferring the marking substance from said sheet to the article (col 3 ln 33-43)."

Thus Berghauser et al. meet the claimed invention except "a workstation frame" supporting the various elements.

8. Wixted et al. teach "a workstation frame (10 of Fig 1)" for supporting various electronic elements. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the workstation frame taught by Wixted et al. to support the workstation elements disclosed by Berghauser et al. One would have been motivated to so modify Berghauser et al. for the benefit of storing the workstation elements on a frame that provides easy transport as stated by Wixted et al.

9. Regarding claim 2, Berghauser et al. disclose the claimed invention as set forth above regarding claim 1. Thus Berghauser et al. meet the claimed invention except "a heat dissipation element supported on said frame and suitable for receiving heat from the article."

10. Wixted et al. further teach "a heat dissipation element supported on said frame and suitable for receiving heat from the article (see Par [0029])." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a heat dissipation element. One would have been motivated to so modify Berghauser et al. for the benefit of ventilation of the workstation frame to allow for dissipation of the heat generated by the workstation, which prevents it from overheating and possible damage.

11. Regarding claim 3, Berghauser et al. further disclose "an input device for receiving said image (22 of Fig 2), said input device being supported on said frame and

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in communication with said output device (24 of Fig 2) for transferring data corresponding to said image to said output device (col 5 ln 1-5)."

12. Regarding claim 4, Berghauser et al. further disclose "a processor in communication with said input device (in 22 of Fig 2), said processor adapted to receive said image form said input device and output data corresponding to a mirror image of said received image to said output device (col 3 ln 20-26, col 5 ln 1-5)."

13. Regarding claim 5, Berghauser et al. further disclose "an alignment fixture supporting the article within said transfer press (51, 52 of Fig 8)."

14. Claim 2 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Berghauser et al. in view of McConnell et al. (US 20030028588). Berghauser et al. disclose the claimed invention as set forth above regarding claim 1. Thus Berghauser et al. meet the claimed invention except "a heat dissipation element supported on said frame and suitable for receiving heat from the article."

15. McConnell et al. further teach "a heat dissipation element supported on said frame and suitable for receiving heat from the article (see Par [0082])." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide a heat dissipation element. One would have been motivated to so modify Berghauser et al. for the benefit of ventilation of the workstation frame to allow for dissipation of the heat generated by the workstation, which prevents it from overheating and possible damage.

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16. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berghauser et al. in view of Wixted et al. and further in view of Goertzen (US 20050150591).

17. Regarding claims 6 and 7, Berghauser et al. in view of Wixted et al. disclose the claimed invention as set forth above regarding claim 5. Thus Berghauser et al. in view of Wixted et al. meet the claimed invention except "said alignment fixture has an alignment guide and said transfer sheet is cooperable with said alignment guide to position said image on said transfer sheet along the article as desired" and "said alignment guide is a peripheral edge of said alignment fixture."


18. Goertzen teaches "said alignment fixture has an alignment guide and said transfer sheet is cooperable with said alignment guide to position said image on said transfer sheet along the article as desired (140 of Fig 2, Par [0032])" and "said alignment guide is a peripheral edge of said alignment fixture (140, 155 of Fig 2)." It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide an alignment guide as claimed. One would have been motivated to so modify Berghauser et al. in view of Wixted et al. for the benefit of correctly and desirably aligning the image and to maintain that orientation throughout the image transfer process as stated by Goertzen.

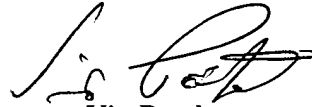
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goldberg whose telephone number is 571-272-2728. The examiner can normally be reached on Monday through Friday, 9AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on 571-272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Goldberg 
AU 2861
October 6, 2006


Vip Patel
Supervisory Examiner
AU 2861